

Appl. No. : unknown
 Filed : herewith

15. A transgene expression cassette as claimed in Claim 14, which further comprises, as the DNA sequence operatively joined to the transcriptional activation element, a desired transgene sequence to be expressed.

16. (Amended) A plasmid containing the transcriptional activation element of Claim 8.

17. (Amended) A plasmid containing the transgene expression cassette of Claim 13.

18. (Amended) A transgenic plant which contains the transgene expression cassette of Claim 13.

19. A transgenic plant as claimed in Claim 18 which is corn, rice, wheat, lily, chrysanthemum, cotton, soybean, beet, potato or carica papaya.

Please add the following new claim:

20. (New) A transgene expression cassette which comprises the transcriptional activation element of Claim 9, and a DNA sequence operatively joined to said element.

REMARKS

The claims have been amended to conform with the rules of practice before the U.S. Patent and Trademark Office. The specification has been amended to recite the International Application and priority applications. The word "CLAIMS" has been deleted and substituted by "WHAT IS CLAIMED IS" so that subsequently appearing claims will be the object of a sentence as specified by M.P.E.P. section 608.01(m). As a result of this preliminary amendment, Claim 20 has been added and Claims 3, 4, 13, 16, 17, and 18 have been amended to remove multiple dependencies. Accordingly, Claims 1-20 are presented for examination. No new matter is being added herewith.

This response to Notice to Comply brings the patent application into compliance with the Sequence Listing Disclosure requirement of the USPTO. Enclosed herewith are: (1) a paper copy of the Sequence Listing, and (2) a computer readable version of the Sequence Listing. The Preliminary Amendment directs entry of the paper copy of the Sequence Listing into the application. In view of the foregoing, the application is believed to fully comply with the Sequence Listing Disclosure requirements.

Appl. No. : unknown
Filed : herewith

10/031818

531 Rec'd PCT/PT 17 JAN 2002

VERIFICATION UNDER 37 C.F.R. § 1.821 (f) & (g)

All of the sequences in the attached Sequence Listing were included in the International application as filed. Pursuant to 37 C.F.R. § 1.821 (g), no new matter is being added herewith. As required under 37 C.F.R. § 1.821 (f), I hereby verify that the data on the enclosed disk and the paper copies of the Sequence Listing are identical.

The specific changes to the specification and the amended claims are shown on a separate set of pages attaches hereto and entitled **VERSION WITH MARKINGS TO SHOW CHANGES MADE**, which follows the signature page of this Amendment. On this set of pages, insertions are underlined and deletions are struck through.

Conclusion

Should there be any questions concerning this application, the Examiner is invited to contact the undersigned agent at the telephone number appearing below. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Jan. 17, 2002

By: Che S. Chereskin

Che Swyden Chereskin, Ph.D.
Registration No. 41,466
Agent of Record
620 Newport Center Drive
Sixteenth Floor
Newport Beach, CA 92660
(949) 760-0404

Appl. No. : unknown
Filed : herewith

10031818 .030602
10/031818
531 Rec'd PCT/F 17 JAN 2002

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 3, 4, 13, 16, 17, and 18 have been amended as follows:

3. (Amended) A MITE-like element as claimed in Claim 1 ~~or 2~~ which contains, in the sequence thereof, a plurality of repetitions of at least one of the nucleotide sequences represented by the formula (1): XttgcaaY (wherein X represents g or t and Y represents a or c) or the formula (2): Zatgcaa (wherein Z represents t or a).

4. (Amended) A MITE-like element as claimed in ~~any of Claims 1 to 3~~ Claim 1 which has, as terminal inverted repeat sequences, a nucleotide sequence shown under SEQ ID NO:1 in the 5' terminal region and a nucleotide sequence shown under SEQ ID NO:2 in the 3' terminal region.

13. (Amended) A transgene expression cassette which comprises the transcriptional activation element of ~~any of Claims 8 to 12~~ Claim 8, and a DNA sequence operatively joined to said element.

16. (Amended) A plasmid containing the transcriptional activation element of ~~any of Claims 8 to 12~~ Claim 8.

17. (Amended) A plasmid containing the transgene expression cassette of ~~any of Claims 13 to 15~~ Claim 13.

18. (Amended) A transgenic plant which contains the transgene expression cassette of ~~any of Claims 13 to 15~~ Claim 13.

H:\DOCS\CSC\CSC-2823.DOC
011602